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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/407,430	09/29/1999	HOWARD J. WORMAN	0575/54805	2750

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EXAMINER

NGUYEN, QUANG

ART UNIT PAPER NUMBER

1636

DATE MAILED: 09/23/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

***Notice of Non-Responsiv Amendment***

Receipt is acknowledged of a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) and a submission, filed on March 26, 2003. The submission, however, is not fully responsive to the prior Office action because the most recently added claims 79-100 are drawn to a non-elected invention involving a method of inhibiting the attachment of hepatitis C virus onto a cell or of preventing the infection of a cell by a hepatitis C virus, which comprises contacting the cell with an effective amount of a compound which inhibits the binding of hepatitis C virus envelope E2 protein to a cellular protein associated with hepatitis C virus attachment onto cells identified by the recited steps, with virtually nothing is known about the structural or chemical features of the compound. This non-elected invention is not directed to the same subject matter that was previously recited in claims 44-49 which are drawn to a method of inhibiting attachment of hepatitis C virus into a cell, which comprises contacting the cell with an effective amount of an E<sub>0</sub> protein having amino acids 1-120 of SEQ ID NO: 1 to the subject, wherein the E<sub>0</sub> protein is capable of inhibiting the attachment of hepatitis C virus onto the cell by specifically binding to the hepatitis C virus envelope E2 protein. In the previous examined subject matter, the E<sub>0</sub> protein is responsible for the inhibition of the attachment of hepatitis C virus onto a cell, whereas the newly added claims require a compound of unknown structural features having the ability to inhibit the binding of hepatitis C virus envelope E2 protein to a cellular protein associated with hepatitis C virus attachment onto cells (including the E<sub>0</sub>

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protein) to inhibit attachment of hepatitis C virus onto a cell. Clearly, the subject matters are drawn to different methods requiring different starting materials, and therefore they also require different technical considerations for attaining the desired end-results.

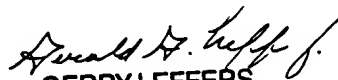
Therefore, claims 79-100 are not under consideration because (a) they are directed to a non-elected invention, (b) it is improper to change invention in RCE which is not a new filing (37CFR 1.145). Therefore, Applicants must submit claims directed to the elected invention.

Since the submission appears to be a **second bona fide** attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period for reply supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang Nguyen, Ph.D., whose telephone number is (703) 308-8339.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's mentor, Gerald Leffers, Jr., Ph.D., may be reached at (703) 305-6232, or SPE, Remy Yucel, Ph.D., at (703) 305-1998.

Quang Nguyen, Ph.D.

  
GERRY LEFFERS  
PRIMARY EXAMINER